



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

TO: All Development Services Department Customers

SUBJECT: **INFORMATION BULLETIN 124**
Administrative Exception Variance Request Procedures for Building Permits,
Environmental, and Platting (AEVR)

DATE: November 28, 2006

The City's Unified Development Code (UDC) provides applicants the opportunity to seek administrative reprieve from sections of the code that are routinely modified, as well as provides ways to appeal administrative decisions by submitting Variances to Planning Commission. UDC Section 35-511(e) allows Administrative Variances for items relating to Division 3 Landscaping and Tree Preservation (Environmental Variances). UDC Section 35-436 allows for Administrative Exceptions for subdivision plat related items. UDC Section 35-501 lists specific code sections in which an Administrative Exception may be granted. The current UDC and its amendments as well as fee schedules may be accessed under "documents on-line" at the following web link:

<http://www.sanantonio.gov/dsd>

The Administrative Exception/Variance Request (AEVR) is required to show that the spirit, intent, and minimum acceptable level of public health, welfare and safety are preserved as ordained by the UDC. Through this process, the City is attempting to resolve issues administratively during platting, tree permit applications and building permit reviews before variances to the Board of Adjustment or Planning Commission become necessary. This same process may be used to request a variance to UDC related items for Planning Commission decision. This process has been introduced to help expedite and evaluate your requests in a consistent and timely manner throughout the Development Services Department and its Divisions.

Procedures

The following procedures are to be followed to help expedite the review of your AEVR for a platting issue, or tree permit and/or building permit issue.

1. The AEVR is to be submitted to the COSA DSD using the attached application and the form letter with supporting documentation provided in the recommended format. The AEVR will be logged-in with copies routed to the appropriate staff for review/recommendations.
2. One AEVR is required for each item/code issue under consideration.
3. The supporting documentation for the AEVR is to be prepared on company letterhead, signed and dated. See the example provided. The letter shall include the minimum information listed or the application will be deemed incomplete and will result in delaying the review process.
4. The AEVR must be signed by the Owner, or the Owner's representative.

There is no fee for an Administrative Exception, or an Environmental Variance to Trees and Landscaping. The fee for a Variance to Planning Commission that is submitted for review and

consideration is located on the DSD Fee Schedule that can be downloaded on-line at the web address above. The fee must be included with the variance request application and letter.

5. The applicant can deliver or mail AEVR packages to:

Development & Business Service Center @ 1901 S. Alamo, San Antonio, Texas 78204
Attention:

Building Permits – Plans and Permits Administrative staff

Trees and Landscaping – Environmental Section Review staff

Platting Administrative Exceptions and Variances – Land Entitlement – Subdivision Staff

6. The AEVR will be routed to the appropriate staff for review. After staff review of the Administrative Exception or the Environmental Variance, the COSA DSD will respond by approving your request, approving your request with additional requirements, or denying your request. In all cases, the ruling will be made in writing and the applicant will receive a copy of the ruling.
7. The estimated turnaround time for an Administrative Exceptions, or Platting Variance review and action is fifteen (15) business days. For Variances to platting, the UDC allows five (5) working days to review the submission for completeness. Variances to Planning Commission will be scheduled for consideration the same commission date as the plat. Environmental Variances will be reviewed as soon as possible, but will be reviewed before 30-days.
8. For plats, Variances filed pursuant to Certificate of Determination requests shall be subject to a review time of up to 20 days in accordance with UDC Section 35-430(d) prior to scheduling the variance for Planning Commission. In such cases where the variance is approved, the Certificate of Determination shall be issued within 10 days. Additional fees may apply.

Records

Your AEVR application and the final decision of the DSD Director or Planning Commission shall be officially recorded in the permanent records of this department.

Should you be dissatisfied with the action/ruling taken on your Administrative Exception, or Environmental Variance you have the right to appeal the ruling to Board of Adjustment or Planning Commission in accordance with the provisions of the UDC Section 35-483. Additional fees may apply.

Attachments:

1. AEVR Application required to be submitted.
2. Required format for AEVR Letter to be submitted to DSD. You may request this letter as a Word Document from Plans and Permits, Land Development staff, or download from the DSD website.



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DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	
A/P # /PPR # /Plat #	
Date:	
Code Issue:	
Code Sections:	

Submitted By:	<input type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name:		
Company:		
Address:		Zip Code:
Tel #:	Fax#	E-Mail:
Consultant:		
Company:		
Address:		Zip Code:
Tel #:	Fax#	E-Mail:
Signature:		

Additional Information – Subdivision Plat Variances & Time Extensions

1. ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☐ Completeness Appeal
☐ Other _____

2. City Council District _____ Ferguson Map Grid _____ Zoning District _____

- | | | |
|---|------------------------------|-----------------------------|
| 3. San Antonio City Limits | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Edwards Aquifer Recharge Zone? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Previous/existing landfill? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Parkland Greenbelts or open space? Floodplain? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

CUSTOMER'S CO. LETTERHEAD

Date

Administrative Exception / Variance Request Review¹
c/o Development Services Staff
Development Services Department
City of San Antonio
1901 S. Alamo
San Antonio, TX 78204

Re: Project Name
A/P, Plat Number, or Project Number (if applicable)
UDC Code Section or Issue



Administrative Exception



Environmental Variance



Subdivision Platting Variance – Time Extension

Dear COSA DSD,

- *At a minimum, provide the following information in your Administrative Exception / Variance Request letter:*
- *Introduction: Identify the project and state that you are requesting consideration for an administrative exception, environmental variance or platting variance.*
- *Code Issue: Identify the specific Unified Development Code (UDC) section for which the AEVR is proposed.*
- *Discussion / Justification: Provide rationale and supporting information, such as technical data, engineering calculations, results of actual field tests, requirements or allowances in other standard engineering references, etc. that provide the basis for the City to accept the request. Proposed design documents (e.g., architectural or engineering plans, photos, etc.) and supporting information listed above should be attached to the request as needed to clarify proposed request. Specifically, provide:*
 - *rationale as to why the administrative exception / variance will not be contrary to the spirit and intent of the UDC and the specific regulations from which an exception is requested;*
 - *assertion that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;*
 - *justification stating that under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception/variance is granted;*

- *In addition, the following items must be addressed as required by the UDC for Variances UDC Section 35-483(e), and must be placed as bullet points in the request letter:*

- *If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and*
- *The hardship relates to the applicant's land, rather than personal circumstances; and*
- *The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and*
- *The hardship is not the result of the applicant's own actions; and*
- *The granting of the exception/variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.*
- *Conclusion: Provide a summary statement such as "In my/our professional opinion, the proposed administrative exception / variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public".*

Sincerely,

Signature and Title Block of Applicant

Signature of Owner (if applicable)

Attachment(s)

For Office Use Only:		AEVR #:	Date Received:
		_____	_____
<u>DSD – Director Official Action:</u>			
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED	
Signature: _____		Date: _____	
Printed Name: _____		Title: _____	
Comments: _____			

